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| 10/681,939 | 10/08/2003 | Choi Man Wa | 2166.150 | 7900 |
| 4617 | 7590 | 05/26/2005 | EXAMINER | |
| LEVISOHN, BERGER & LANGSAM, LLP 805 THIRD AVENUE, 19TH FLOOR NEW YORK, NY 10022 | | | SEVER, ANDREW T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2851 | |

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/681,939

Applicant(s)

WA, CHOI MAN

Examiner

Andrew T. Sever

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-23 and 25-39 is/are rejected.
- 7) ☒ Claim(s) 9 and 24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: arrow C in figure 12.
12. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The specification on page 11 line 3 calls for an arrow C. It was not found in the drawings.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8, 10-21, 23, 25-31, 34, and 36-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaye (US 3,801,199.)

Kaye teaches in figure 10 a portable easel, comprising:

A main base having an interior volume (the base is all the box portion on plane 4);

A projector (8) disposed in said interior volume, said projector having a light source (see column 8 lines 45-59) and an image holding means adapted to receive a light-transmissible medium bearing an image (film strip holding means see figure 6 with part 134 applying pressure to the film strip and in effect holding it); and

A writing plane (22) attached to said main base above said interior volume having an upper surface (part facing the viewer) and a lower surface (part facing mirror 20), said writing plane including a light-transmissible portion,

Wherein said projector shines a path of light through the medium which projects the image onto said lower surface of said writing plane so that the image is visible on said upper surface of said writing plane.

With regards to applicant's claim 2:

The writing plane (22) is hingedly attached to the main base (although there is no specific teaching of an actual hinge, it attaches or touches the main base in a hinge manner.)

With regard to applicant's claim 3:

The cover (23) is attached by a hinge to the writing plane.

With regards to applicant's claim 4:

See figure 10.

With regards to applicant's claim 5:

It is clearly drawn being moveable between 0 and 90 degrees in figure 10 and the collapsed state (not drawn)

With regards to applicant's claim 6:

It is secured into place in part by the hinge in the cover.

With regards to applicant's claim 8:

One could conceivably place a piece of paper on the cover and write on it. (it is a solid cover and therefore can be a writing surface)

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With regards to applicant's claim 10:

Mirror 20.

With regards to applicant's claim 11:

See the drawn ray diagram in figure 10.

With regards to applicant's claim 12:

The mirror is angled with respect to the path of light (hence why its reflected at an oblique angle, it should be noted that in fact the projector is angled with respect to the ground not the mirror, however with regards to the light path it is irrelevant which part is angled with respect to the ground.)

With regards to applicant's claim 13:

See figure 2 and accompanying description in Kaye's disclosure.

With regards to applicant's claim 14:

Part 132 of figure 2 and other similar parts form a slot.

With regards to applicant's claim 15:

The slot itself grips the medium based on pressure supplied by mechanism 135.

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With regards to applicant's claims 16-21, 23, and 25-30

See above.

With regards to applicant's claim 31:

See column 9 line 33 through column 10 line 46 which describes the device forwarding the film by an individual frame due to a inaudible sound or else an operator operating a button.

With regards to applicant's claim 34:

Said filmstrip contains a plurality of images and various cassettes of film strips can be used.

With regards to applicant's claim 36:

See above.

With regards to applicant's claims: 37-39.

See column 8 lines 60 through column 9 lines 13 which teaches that the barrel is slidable in a path which would inherently be away from and towards the mirror, which would also adjust the distance between them as is claimed in applicant's claims 38 and 39.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaye as applied to claims 1-6, 8, 10-21, 23, 25-31, 34, and 36-39 above, and further in view of Behr (US 4,170,408.)

As described in more detail above Kaye teaches a portable easel, which is closable over the writing plane, however Kaye does not specifically teach a locking means for making the cover lockably closable over the writing plane when the writing plane is in the flat position. Such a means is taught in figure 7 parts 36 and 37 of Behr. The use of a latch in a portable collapsing system is advantageous as it keeps the collapsed housing from accidentally opening at an inappropriate time possibly damaging the inside components or at least embarrassing the operator. Accordingly it would have been obvious to one of ordinary skill in the art at the time the invention was made to include means for making the cover lockably closable.

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6. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaye as applied to claims 1-6, 8, 10-21, 23, 25-31, 34, and 36-39 above, and further in view of L. J.

Schindler (1,992,776.)

Kaye as described in more detail above teaches a portable easel, however it utilizes filmstrips instead of film disk. Schindler teaches the use of a disk over that of a filmstrip in projectors that do not require many frames to make the image and are geared towards use as a toy or for children where a stronger medium than a filmstrip is required. As shown in figure 4 the disk comprises of a round frame having a plurality of images formed around the periphery, and is placed in the light path from the light source in such a way as each of the plurality of images is individually and selectively rotatably alignable into the path of light. Further it includes grooves on the outer periphery of the frame to facilitate alignment. Since such a film type is better for use with children or others who have a tendency to destroy the more delicate filmstrips of Kaye, it would have been obvious to one of ordinary skill in the art to design Kaye to take the film disk of Schindler instead of the filmstrip for such uses.

7. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaye as applied to claims 1-6, 8, 10-21, 23, 25-31, 34, and 36-39 above, and further in view of Dietterich et al.

(US 5,284,445)

Kaye as described in more detail above teaches a portable easel, however it does not specifically teach having the base be such that it has dimensions to contain drawing supplies. Dietterich teaches in figure 8 a base having a light source 90 and extra space

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for the disposition of drawing supplies. Dietterich teaches that by making a portable easel including space for carrying drawing utensils it is especially convenient and portable (see column 1 lines 46-59.) Accordingly since the addition of carrying space does not require any changes in the optics; it only more efficiently utilizing space of the base, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include space for drawing supplies.

Allowable Subject Matter

8. Claims 9 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: Although clips for attaching paper to a surface themselves are well known, there is no motivation to modify Kaye to include them, as the prior art does not teach attaching a paper to a display already having a projector inside other than in systems that do not require the clips (such as Orlich (US 5,506,640). Accordingly claims 9 and 24 would be allowable if re-written such that they are in independent form and include the limitations of their respective base and intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 5,748,183 to Yoshimura et al. teaches in figures 1A-1C an easel device including a projector (1) a writing surface (2) and hinges for collapsing the easel down.

US 4,524,521 to Kolb teaches a device that includes a space for inserting a material under a writing surface in figure 1.

US 3,887,275 to Heist teaches in figure 3 a case and a projector.

US 2,311,056 to C. Langberg also teaches in one embodiment the use of a film disk (see for example figure 5 and 13.)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Sever whose telephone number is 571-272-2128. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS


JUDY NGUYEN
SUPERVISORY PATENT EXAMINER